

CITY COUNCIL MEETING
Tuesday, May 07, 2013 7:00 p.m.
City Office Building
10246 N Canyon Rd, Cedar Hills, Utah

Present: Mayor Gary Gygi
Council Members: Trent Augustus, Scott Jackman, Stephanie Martinez, Jenney Rees, Daniel Zappala (8:09 p.m.)
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Greg Gordon, Recreation Manager
Courtney Hammond, Transcriptionist
Eric Johnson, City Counsel (7:05 p.m.)
Others: Rich Welch, John Neopori, Rob Crawley, Robert Chesworth, Joel Wright, Angela Johnson, Ken Cromar, Jerry Dearing, Michael Stuy, Jared Bradley

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:03 p.m. by Mayor Gygi

Invocation given by David Bunker

Pledge of Allegiance led by Burdo Hickson

2. Approval of Meeting's Agenda

MOTION: C. Rees—To approve the meeting's agenda as it currently is. Seconded by C. Martinez.

Yes - C. Augustus
C. Jackman
C. Martinez
C. Rees

Motion passes.

3. Public Comment

Joel Wright: Mr. Wright stated that he thinks the city is great. Things are going well. He is proud of the direction things are going. He is excited for the May 18th celebration of the Murdock Canal Trail opening. He asked the city to put it in the newsletter. Cedar Hills was a leader in recycling 6 or 7 years ago. It has lost its footing somewhat. Many cities have gone to a mandatory recycling. He would like the council to consider an opt-out program.

PUBLIC HEARINGS

4. Adjusting the Common Boundary between the City of Cedar Hills and Pleasant Grove City (Flinders Property)

No comments.

CITY REPORTS AND BUSINESS

5. City Manager

The Murdock Canal Trail opens on May 18. Participants will get a passport and get it stamped at each station along the trail.

6. Mayor and Council

C. Augustus: The Planning Commission talked about nuisances, reviewed the ordinance to change how far away care facilities can be from each other, also the Bridgestone development.

C. Jackman: The Finance Committee talked about the last portion of budget. The Lone Peak Public Safety District met to talk about budgeting. Currently the fire department is asking for a 5% salary increase in budget as well as allocating money that formerly went to Social Security to 401K funds. These increases concern the board and there will be lively discussion in the future on the matter. The proposed increases would mean about a \$20,000 increase for the city.

C. Rees: A press release was issued, and she is working on a few more. She is also gathering information for State of the City publication.

C. Martinez: The basement was approved at the last council meeting. The construction will begin next week. Youth and women golf clinics will begin soon. The city also began its own soccer league for grades K-2. They will play on our fields. This allows for better control over the city's fields. Registration is now open for that soccer league. Lego League registration is open. The recreation center events room is hosting 2-3 weddings per week along with several golf tournaments. Sammy's had a great first month. Family Festival is coming up June 3-8.

SCHEDULED ITEMS

7. Review/Action on the Preliminary Plat for Bridgestone, Plat F & G

Staff Presentation:

Chandler Goodwin stated that since the last council meeting, staff has met with Garbett Homes, and they have made some of the changes that the council requested, specifically changing elevation materials.

Rich Welch and John Neopori of Garbett Homes stated that they made several changes to the elevations to reach the percentages of brick that the council recommended. They also added Hardi board to add some variation. There was an additional adjustment to make it clear that there is open space in the back of the units.

Council Discussion:

C. Augustus stated that he feels Garbett Homes has done a great job. They have responded to all questions and requirements.

C. Martinez stated that she is happy with the addition of Hardi plank and brick.

C. Rees thanked Garbett Homes for their willingness to work with the council.

MOTION: C Augustus—To recommend approval of Bridgestone Plat F & G contingent on Garbett Homes meeting the following requirements:

- **All references to specifications shall refer to Cedar Hills Design Standards and Public Improvement Specifications.**
- **Submit storm water calculations and drainage calculations for approval by city engineer.**
- **East and west alleys shall have names and addresses listed accordingly.**
- **Identify postal easements on plat.**
- **Identify sewer main under proposed units 49 - 52, plat D.**
- **Additional construction notes and details as needed and as noted, and must meet with approval from city engineer.**
- **Street lights shall be noted on plat and installed per city standards and shall be approved by city engineer.**
- **Identify sight triangle on 4500 West and have drawings approved by city engineer. Building envelope or fence installation may be restricted based on approved sight triangle.**
- **Clarify utility line work on Bridgestone Drive.**
- **All existing sidewalk and curb and gutter shall be removed and disposed of and new curb and gutter installed to meet drainage requirements.**
- **All curb and gutter detail shall conform to city standards.**
- **Verification of water right submission shall be submitted.**
- **Exterior elevations and renderings as presented at tonight's meeting with the noted amounts of brick, siding, and stucco. It is required that the color pallet of the brick, siding, and stucco very closely match that of the existing buildings in the area.**
- **Dropped manhole location to be reviewed. If approved by public works and city engineer, all city details must be used.**

Seconded by C. Rees. Vote taken by roll call.

Yes - C. Augustus
C. Jackman
C. Martinez
C. Rees

Motion passes.

8. **Review/Action on Policy for the Event Center Rental Contract and Supplemental Agreement Outlining the Requirements for Serving Alcoholic Beverages**

Staff Presentation:

David Bunker stated that at the last City Council meeting, the council approved a supplemental agreement to the rental contract. Based on feedback, it is proposed to change item 3 to “The Customer and Third Party Vendor agree that no alcohol will be served outside the Vista Room. A room layout diagram is required and shall identify the point of service for all alcohol.

Public Comment:

Rob Crawley: Mr. Crawley stated that he feels that Cedar Hills is one of the greatest cities to live in because of the great people that live here. Residents help others, serve others, have high principles, have families that teach correct principles, and have high

expectations for themselves and others. This is a city with high moral standards, including avoiding vices, such as alcohol, drugs, pornography and the like. The city has a very high percentage of people that don't drink alcohol. Allowing alcohol in a public building goes against the community standards. He believes in libertarian principles, but defines those principles as allowing others the right to swing their fist until it hits him in the face. He feels that substances that can cause harm threaten his children. He believes that city leaders are allowed by law to limit these things. There was controversy in the building of the recreation center. To allow alcohol would just add insult to injury. He proposed conducting a poll. Verifast can do it for \$1,000.

Ken Cromar: Mr. Cromar wanted an explanation for why the recording for last meeting wasn't available. Alcohol was discussed and passed at the last meeting, but alcohol was not on the agenda. He feels that is against the law. When city residents were asked to vote for the golf course, residents were told there would be no alcohol allowed or Sunday operation. Then the golf course opened on Sunday. He doesn't care if people drink, or smoke but is vehemently against having tax dollar work against his morals. He hopes what was said at the last meeting will be repeated, it will get it on the record, and that the council will stop breaking the law.

Joel Wright: Mr. Wright stated that we live in a republic. The City Council members were elected by residents and need to make decisions. They are hard decision, but they need to be made. Cedar Hills is referendum-happy. The majority of residents are tired of the referendum fights. The council needs to make decisions and feel comfortable doing it. He is a member of the majority faith which prohibits alcohol consumption for its members, but it does not prohibit others from consuming alcohol, in fact the LDS church allows those on their properties to sell alcohol. Two restaurants in the church owned City Creek development in Salt Lake City sell alcohol.

Angela Johnson: Ms. Johnson hopes that the City Council does not allow alcohol to be served in a public building. It could bring in more revenue, but she would hope the city wouldn't lower its standards. It would be easy to do a survey, even without the \$1,000. It could be on the city website. She would like to see a simple survey with pros and cons listed. This is a big issue and it could stir up the hornet's nest. The council has been elected to make decisions, but this is a hot topic. The city should be a beacon on the hill and set a good example. At least take a survey.

Michael Stuy: Mr. Stuy said his concern is strictly limited to safety. He lives in the Forest Creek area. In that area there are a lot of kids and youth. He is opposed to alcohol. A close teacher and his family were killed by a drunk driver. There are two thoroughfares to the recreation center with large numbers of kids. It would be regrettable for any one to be injured by someone over the limit.

Jerry Dearing: Mr. Dearing stated that he was quite surprised that the council passed the ordinance at the last meeting. He is totally opposed to it, not from an agency standpoint, but because it is a matter of community standards. If a survey was done to change the logo for community, a survey should be done for this.

Jared Bradley: Mr. Bradley stated that he is a businessman, and looks at everything from a cost benefit analysis. Allowing alcohol may bring in more revenue, but the risk outweighs any revenue benefit. He questions whether the city can charge enough to cover costs to police such an event.

Council Discussion:

Mayor Gygi stated that this is not a simple issue. He grew up in Salt Lake. Half of his friends were of the same faith, others were not. He doesn't look differently on those that drink. Cedar Hills needs to be an understanding, welcoming community. He doesn't like it when government intrudes in lives. He wants less intrusion, not more. He recognizes a balance is necessary. It is important how the city is portrayed. If the city is viewed as supportive of businesses, they will come. Several businesses have questioned whether they will be boycotted if they open on Sunday. He doesn't think that is the right image for the city. Cedar Hills went through a brand survey with 366 responses. Many comments said that the city is closed, that if you are not LDS you don't have a voice, that non-LDS are excluded, etc. That should not be the city's image. Strength doesn't exist only in unanimity, but also in difference. Morals are best taught in home. He feels that Cedar Hills should never have a liquor license and should not sell alcohol in the pro shop or the grill. Allowing individuals to serve alcohol at private events is different. He never wants Cedar Hills to be the alcohol destination for Utah County. If it turns out that the council misjudged this, he would be the first to revisit this item.

C. Jackman stated that he agreed with everything Mayor Gygi said. He also wanted to state that he thinks it is a bad idea to legislate based on beliefs. He is more interested in risks, though doesn't agree that the risks are as high as stated. He doesn't have problem with allowing people to serve alcohol in their own private events given the restrictions stated in the contract. Surveys can easily become biased. Any survey that is done should be serious, professional and not biased toward the technologically inclined. We don't need a true democracy where everyone votes on everything all the time. He believes the majority of residents don't want to legislate their beliefs as it relates to alcohol at private events in the Vista Room. He feels that it is incorrect to say that no Cedar Hills resident would sell alcohol at a private event. There will be residents that feel excluded if alcohol at private events is not allowed. Residents will feel excluded no matter what. This is different from many of the zoning-type restrictions that the city has because they address the line where one person's property rights affect another's.

C. Rees stated that she doesn't come from an LDS background. Her family drinks alcohol and it doesn't bother her. This is not a morality issue. Her libertarian side agrees with limited government involvement. In this instance, she feels it is different. As a government, the city restricts personal freedom all the time, from weeds, to material used on houses, etc. The city does that to maintain community standards. She doesn't have a problem with businesses choosing to serve alcohol. The government should not be involved in telling businesses how to run. This is different because it is a public building paid for by public funds and will forever be maintained with public funds. The only way for a resident to not support the building would be to move. She is looking at this from what makes sense for the community. This is the first time in 12 months that anyone has

asked to serve alcohol at the building. This may affect only 5-6 receptions a year. She doesn't want to upset even 100 residents for a few receptions a year. That fight is not worth it. It won't impact the budget either way. She wants to encourage every resident to utilize the recreation center, and doesn't feel comfortable alienating anyone or making them uncomfortable using the center.

C. Martinez stated that the city is not getting a license, selling, or serving alcohol. This involves a private party contracting with a third party vendor that can serve alcohol at a private event. When interviewing vendors for the grill, the council and staff talked to potential vendors and stated that the city would not allow alcohol sold at the grill. This, however, deals with a private party. She feels it is no different than a private party in one's own home. Currently, people can drink just about anywhere they want, including city parks, as long as no nuisance is created. There is a staff event planner that is present to help with events, but additional staff would not be required to police the event. This creates a policy on how a room in a building can be used. Prior to this there was no policy, but alcohol was served at some events.

C. Augustus stated that he agrees with everything that has been said. He was elected by the public to represent the people in the community. The people he has talked to have been mostly neutral on this issue. Most feel that the city should not infringe on others' right to have alcohol at their private party. The golf course trash cans are full of beer cans. If you stick your heads in the sand and say that no one on the facilities is drinking alcohol, you are fooling yourself. It is better to have a policy to manage it. He knows of several weddings that didn't come here because there was no alcohol policy and assumed they couldn't. Even the LDS church allows it. The church owned City Creek Center has two restaurants that sell alcohol. He leans towards letting people do what they want with policies in place to manage it. If things get out of hand, the policy can be changed. He feels there is no difference from taking his kids to the park where some people are drinking alcohol and having your kids at the recreation center where there are people in a separate, enclosed space drinking alcohol.

Eric Johnson clarified that the city does not have an ordinance regarding alcohol in city parks. There are posted signs stating such, but there is no ordinance backing it up.

C. Zappala stated that he understands concerns when it comes to personal safety, though he doesn't understand people that feel uncomfortable just because alcohol is present. It is not just the 5 or 6 people that might not book weddings if the city bans alcohol in the building, but hundreds of non members who feel like this is yet another way that they are excluded.

MOTION: C. Augustus—To approve the modified Supplemental Agreement to the Event Center Rental Contract as amended and direct city staff to closely monitor activities in the building and bring any issues to the Council. Seconded by C. Jackman. Vote taken by roll call.

Yes - C. Augustus
C. Jackman
C. Martinez
C. Zappala
No - C. Rees Motion passes.

Further Discussion:

C. Jackman stated that in the past the council has done a biannual Decisions survey. He feels the council should consider reinstating that survey and he would be happy to add items such as those discussed tonight. He does not want to barrage residents with surveys. He thanked residents for their comments.

9. Review/Action on Adoption of an Ordinance Adjusting the Common Boundary between the City of Cedar Hills and Pleasant Grove City (Flinders Property)

Staff Presentation:

Chandler Goodwin stated that Mr. Flinders has requested to boundary adjust his property from Cedar Hills into Pleasant Grove.

Council Discussion:

C. Augustus stated that he is sad to see someone leave the city but looking at the facts and utility situation, this is the right move.

MOTION: C. Jackman—To approve Ordinance 5-7-2013A, an ordinance adjusting the Common Municipal Boundary Between the city of Cedar Hills and Pleasant Grove City, and authorizing staff upon completion of said boundary adjustment to disconnect this residence from all utilities provided by the City of Cedar Hills. Seconded by C. Augustus.

Vote taken by roll call.

Yes - C. Augustus
C. Jackman
C. Martinez
C. Rees
C. Zappala Motion passes.

10. Review/Action on Approval of Polling Place for 2013 Municipal Election

Staff Presentation:

Chandler Goodwin stated that with the upcoming elections, staff would like to have all precincts vote at the Recreation Center. The Youth City Council (YCC) would be at the old polling locations to direct people to the new polling place. There would also be an aggressive campaign to educate residents. It would cut down on number of poll workers and allow the city recorder to oversee the entire voting process.

Council Discussion:

C. Rees stated that she is concerned about whether there are adequate parking places. Her biggest concern would be that the city not change back and forth, one election at the

schools, the next at the recreation center. If the change is made, it should be a permanent change.

C. Jackman stated that he is not sure it's a good idea. He likes having elections in traditional places so people know where to go. The logistics of having five precincts in the same place can be tricky.

C. Martinez stated that currently there is some confusion about what elementary school people should go to. She likes the idea of having one location to cut back on confusion. No matter where the polling place, she wants to get the YCC involved. City Recorder, Colleen Mulvey has put a lot of thought into the matter and considered the logistics and cost savings.

David Bunker stated that parking is an issue no matter the location. He feels that parking at the recreation center is adequate. There are additional parking places that can be allocated. It will be at least as adequate as at the schools.

Mayor Gygi asked that Colleen Mulvey do more research and present answers to the council. If this change is made, a tremendous effort to educate residents should be made.

MOTION: C. Martinez—To continue this item to the next council meeting. Seconded by C. Zappala.

Yes	-	C. Augustus	
		C. Martinez	
		C. Rees	
		C. Zappala	
No	-	C. Jackman	Motion passes.

11. Review/Action to Adopt the Tentative Fiscal Year 2014 Budget (July 1, 2013 to June 30, 2014)

Staff Presentation:

Charl Louw stated that the Finance Committee struggled to balance the golf fund. They looked at the history and tried to be really realistic with the budget. He reviewed the total expenditures for each of the funds. Healthcare costs are significantly lower than projected decreasing the budget from a 5.2% increase in healthcare to .2%.

Council Discussion:

C. Jackman stated that the golf course fund shows what is budgeted, not what the city is targeting. Hopefully this will lead to a better conversation at the end of the year. Typically, the budget is over hopeful and cuts need to be made at the end of the fiscal year. This is more realistic, perhaps even pessimistic, but does not change target goals. At the end of the year, hopefully there will be revenue beyond what was budgeted. He asked the council for any changes and requests so that the Finance Committee can integrate the requests. In the past the Decisions survey was done in the odd numbered years because

they were non-election years, and the survey costs are similar to the election costs. He wants to get in the habit of doing the Decisions survey regularly in odd years.

C. Rees suggested hiring some commission-only employees that get paid on tournament and/or event bookings. Additional community events in the recreation center had been discussed but she isn't sure where it is in the budget, and what type of events it would include. The Beautification, Recreation, Parks and Trails Committee wants a budget to do two events at the Community Recreation Center, yard of the month, and plaques for adopting portions of the trail. They would also like to redo the roundabout near the Walmart. She understands that the council doesn't want to fund all of those things, but she feels that if the council doesn't fund any of their ideas, there is no point in having the committee.

C. Zappala stated that he would like to see the balance sheet for both restricted and unrestricted funds in the capital projects fund. He wants to include money in the budget for a Decisions survey. The council has been approached with development potential for the land south of Harts. It was bought with parkland impact fees. If that land is developed commercially and the Harvey property does not get resolved in the city's favor, the city has no additional land for parkland. He would like to do a survey to get feedback from residents for long-term planning.

C. Martinez stated she would like staff input on what could be cut from each department.

C. Augustus stated that he doesn't think the council would get the results from the Decisions survey fast enough to base commercial development decisions on the results.

Mayor Gygi directed David Bunker to give a presentation in the next meeting on how money will be spent in the coming year in roads, water & sewer and capital project, and Greg Gordon and Wade Doyle to give similar reports for recreation and golf. He asked the council to get their individual wish lists to him as soon as possible.

David Bunker stated that this is the mayor's budget. Council members need to bring their requests to the mayor, who will make the ultimate decisions to pass along to the finance director.

MOTION: C. Jackman—Year after year, day after day, our beloved benevolent beings of the legislature have maintained meaningless statutes, in this case mandating tonight that the City Council adopt a completely nonbinding preliminary budget in advance of passing an actual budget, and in this case prior to full figures being available from the county assessor's office. Nevertheless, wishing to be in complete compliance with even poorly written laws, that even the benevolent legislature isn't willing to follow, I move we approve the nonbinding preliminary budget for the Fiscal Year 2014, and again publically invite esteemed public servants, the legislature, to attend more municipal meetings so they can better understand how the municipal government functions. Seconded by C. Augustus. Vote taken by roll call.

Yes - C. Augustus
C. Jackman
C. Martinez
C. Rees
C. Zappala

Motion passes.

12. Discussion on Family Festival

C. Martinez stated that the Family Festival Committee is doing a great job. The Family Festival magazine is going to print Friday, so if there are any issues, let Greg Gordon know.

Greg Gordon stated that Bennett Communications did a great job with the magazine. Jerianne Conroy the committee chair is doing a great job. There are some concerns because the volunteers have come together really late. He is working hard to get the Public Works department out of the mix on Saturday and have the entire staff be volunteers. Council will be serving dessert at the Dinner and a Movie event on Friday June 7th.

13. Discussion on Harvey Boulevard Extension

Mayor Gygi stated that Harvey Boulevard is a logical place to connect Cedar Hills and Highland City. The County is favorable to extending that road, though exactly where and how is undecided.

C. Martinez suggested that the council send a letter showing support for this extension.

ADJOURNMENT

14. This meeting is adjourned at 10:00 p.m. on a motion by C. Martinez, seconded by C. Augustus and unanimously approved.

Approved by Council:
June 18, 2013

/s/ Colleen A. Mulvey
Colleen A. Mulvey, CMC
City Recorder